U.S. Patent Application Serial No. 10/087,449

REMARKS

The following remarks address rejections and comments made in the Office Action mailed March 13, 2008. Claims 1, 8, and 9 are currently amended, and no claims were cancelled. Claims 1-25 are currently pending. In light of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration of the present case in view of the following remarks.

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Estes patent application (US Publication No. 2003/0114836). Applicant traverses this rejection and does not concede any characterizations of the pending application or cited references set forth in the Office Action.

Claims 1-7

Claim 1 and its dependent claims are set forth, "generating a table on a user-interface displayed by the computer the computer having a computer peripheral, the table containing a row, the row having a plurality of cells, each cell in the row relating to a different operating parameter . . . ." It also sets forth, "entering an operating parameter into at least one of the cells in the table, the operating parameter being directly entered into the at least one of the cells through the computer peripheral." "Directly" means that the data is entered directly into the table user interface on the computer as opposed to entering the data through an external device such as a pump or through a user interface other than the table.

Estes Fails to Disclose a User Interface Having a Table

Estes fails to disclose a user interface having a table. The Office Action alleges that Figure 3A in Estes illustrates a user interface having a table displaying pump parameters and that the parameters are entered by a person. However, Estes does not disclose that the table illustrated in Figure 3 is a user interface. Estes teaches that Figure 3A illustrates fixed and variable settings of the bolus estimator. [0018]. It goes on to explain, "FIG. 3A illustrates how the settings 300 of the bolus estimator 128 may be fixed or variable. One or more of these settings (e.g., the carbohydrate ratio, target blood glucose and insulin sensitivity), can follow a profile that changes over the course of a day. FIG. 3A shows example profiles for the carbohydrate ratio 302 and insulin sensitivity 304 values that vary over a daily schedule." [0054]. Estes never provides an explanation of how data is entered into the table 300 illustrated

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in Figure 3A, nor does it disclose that the table is a user interface. Figure 3A is provided merely to illustrate the fixed or variable nature of the data, not to illustrate a user interface.

This interpretation of Estes is corroborated by Figures 3B-3D. Paragraph [0019] explains, "FIGS. 3B-3D illustrate a graphical programming interface for setting profiles." (emphasis added). This description of Figures 3B-3D is repeated in paragraph [0056], which then goes onto explain how values are set using the interface. If the table in Figure 3A was a user interface, Estes would have identified it as a user interface as it did with Figures 3B-3D. Estes also would have described how to enter data into the table as it did with Figures 3B-3D.

Estes Fails to Disclose Directly Entering Operating Parameters

Even if Figure 3A illustrates a user interface, Estes still fails to disclose directly entering operating parameters into one of the cells through a computer peripheral. Estes discloses that data is entered into the computer either through the pump 100 or through the computer 132. [00035]. With respect to entering parameters into the computer, however, Estes teaching are limited to entering the data through the graphical user interfaces illustrated in Figures 3B-3D. [0056]. Parameters are set by moving indicators within the user interface. Estes does not disclose directly entering an operating parameter into a cell in a table through a computer peripheral.

Additionally, a pump is not a computer peripheral. Even if data is entered into the pump and the data is uploaded into the computer, Estes still fails to disclose this limitation.

For at least these reasons, Applicant respectfully submits that Estes does not disclose the claimed combination of elements and request withdrawal of the rejection of claims 1-11.

Claim 8

Claim 8 sets forth, "receiving from a computer, a plurality of data sets, each data set in the plurality of data sets containing a plurality of operating parameters, wherein each data set in the plurality of data sets contains the same type of operating parameters and at least two of the data sets contain different values for the same type of operating parameter." Claim 8 then sets forth "selecting one of the plurality of data sets; and running a delivery program wherein the delivery program executes the operating parameters in the selected one of the plurality of data sets, the operating parameters defining a delivery schedule for controlling the pump mechanism." An operating parameter is an aspect of the programming (e.g., data, text strings, flags) that a user can set to control operation of the pump. Page 7, lines 1-6.

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Accordingly, each of the data sets in the pending claim includes parameters for defining a delivery schedule and form alternatives for controlling the same operation of the pump. For example, each data set might contain alternative delivery rates, delivery schedules, or other operating parameters.

The Office Action cites a laundry list of things disclosed in Estes allegedly forming operating parameters. However, all of these operating parameters are different types of operating parameters. None of them are alternatives for loading into a pump to control the same operation of the pump.

Therefore, Applicant respectfully submits that Claim 8 is not anticipated by Estes and request withdrawal of the pending rejection.

Claims 9-11

Claims 9-11 set forth, "a data entry device; and a processor in data communication with the data port and the data entry device, the processor programmed to (a) generate a table on a user interface, the table containing a row, the row having a plurality of cells, each cell in the row relating to a different operating parameter for the delivery program; (b) receive data directly from the data entry device and display the data in one or more of the cells; and (c) download the operating parameters displayed in the cells to the infusion pump."

As discussed above, Estes fails to disclose a table on a user interface. Even if it does, Estes also fails to disclose receiving data into the table directly from the data entry device. Therefore, Applicant respectfully submits that Claims 9-11 are not anticipated by Estes and requests withdrawal of the pending rejection.

Claims 12-25

Claim 12 recites a method including, "storing a data set in memory" and "selecting the user-defined identifying name thereby assigning the set of operating parameters identified by the user-defined identifying name to the delivery program." The delivery program executes "the set of operating parameters thereby controlling the infusion pump to deliver the therapeutic agent according to the delivery schedule defined by the set of operating parameters." Claim 19 recites an infusion pump comprising a pump mechanism, memory, and a processor. The memory stores a data set including a set of operating parameters defining a delivery schedule, at least one of the operating parameters being a user-defined identifying name. A processor is programmed to assign the set of operating parameters to the delivery program upon selection of the uniquely

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identifying name and to execute the set of operating parameters thereby controlling the pump

mechanism to deliver the therapeutic agent according to the delivery schedule

Estes fails to teach or suggest these combinations of elements. The Office Action asserts

that the Estes discloses a user defined name because the report illustrated in Figure 5 lists the

patient name. However, there is no teaching that the patient name forms a part of the data set

when it is selected to assign the set of operating parameters to the pump. The screen illustrated

in Figure 5 is merely a report to present historical information. [0061]. It is not used for

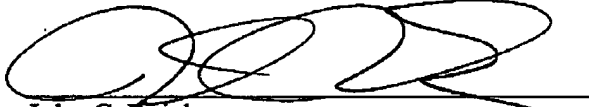programming the pump with operating parameters..

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests

withdrawal of the pending rejections and issuance of a Notice of Allowance. Applicant notes

that there may be reasons that the pending claims are patentably distinct from the cited reference·

in addition to those set forth herein and reserves the right to raise argument in support of

patentability in the future. If the Examiner believes a telephone conference would advance the

prosecution of this application, the Examiner is invited to telephone the undersigned at the

below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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John C. Reich
Reg. No. 37,703
JCR/AJL/dc

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